IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WA.No. 2158 of 2006

AGAINST THE JUDGEMENT IN WPC.16095/2006 Dated 21/06/2006
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APPELLANT: PETITIONER:

MANOJKUMAR M.S.,
MAIN MANDIRAM, PUNTHALATHZAHAM,
KOLLAM DISTRICT, PIN- 691 004.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENTS: RESPONDENTS:
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1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
O/O.THE PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
DIRECTORATE OF MUNICIPAL ADMINISTRATION &
URABAN AFFAIRS, THIRUVANANTHAPURAM.

3. GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER MR.SANDESH RAJA
R1 & R2 BY STANDING COUNSEL MR.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR & K.R. UDAYABHANU, JJ.

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W.A.NO.2158 OF 2006

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DATED THIS THE 5TH DAY OF DECEMBER 2006

JUDGMENT

Abdul Gafoor,J.

The appellant/writ petitioner submitted Ext.P8 application in response to Ext.P7 notification issued by the Kerala Public Service Commission for appointment to the post of Assistant Engineer(Civil) by direct recruitment confining to the candidates in service who were possessing Engineering Degree in Civil. Ext.P7 revealed that the vacancies were notified for direct recruitment. The contention is that Ext.P6 Special Rules came into force on 9-8-2001 and prior to that date the candidates with degree in Mechanical Engineering also were entitled to appointment as Assistant Engineer against the

said quota. Therefore, the vacancies comprised in Ext.P7 which occurred before the amendment ought to have been filled up as per the qualification existed in the pre-amended Rules. Admittedly the appellant obtained degree in the year 2000 and the amendment came into force in the year 2001. The notification was published in the year 2006. The vacancies notified are only three. Nowhere, it is shown that any of these three vacancies had occurred between 2000 and 2001 so as to make the appellant eligible for appointment even if such contention is accepted. In the absence of such details and evidence, it cannot be stated that the view taken by the learned Single Judge is not justified. The Writ appeal is dismissed.

Sd/-

K.A.ABDUL GAFOOR
JUDGE

Sd/-

K.R.UDAYABHANU,
JUDGE

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